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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

IN RE iPHONE/iPAD)	Case No.: 5:11-MD-02250-LHK
APPLICATION CONSUMER)	
PRIVACY LITIGATION)	DECLARATION OF SCOTT A.
)	KAMBER IN SUPPORT OF
)	PLAINTIFFS' OPPOSITION TO
)	DEFENDANT APPLE INC.'S
)	MOTION FOR SUMMARY
)	JUDGMENT
)	
)	

1 I, Scott A. Kamber, declare as follows:

2 1. I am the managing partner at KamberLaw, LLC, a member of the bar of the State of
3 New York, interim lead counsel for Plaintiffs in the above-captioned matter, and fully familiar with the
4 proceedings in this matter.

5 2. I make this Declaration in Support of Plaintiffs' Memorandum of Points and Authorities
6 in Opposition to Defendant Apple Inc.'s Motion for Summary Judgment.

7 3. I make this Declaration based on personal knowledge. I am competent to testify to the
8 matters set forth here, and would testify to the matters as set forth here if called upon to do so.

9 4. Following the Notice of Resolution of certain discovery issues (DKT 229) filed on
10 April 15, 2013, I understand that Apple produced over 67,000 documents that it had not previously
11 produced. On July 11, 2013, Apple's counsel made a demand to claw back over 300 documents that it
12 claimed were inadvertently produced in addition to the claims of privilege that were at issue in its
13 rather voluminous privilege log. Plaintiffs' counsel does not believe that all these documents are
14 properly characterized as privileged and the parties are meeting and conferring about the demand. The
15 parties continue to seek to resolve this and other outstanding disputes regarding the scope of privilege
16 being claimed by Apple. If an agreement is not reached it is likely that further motion practice will
17 ensue.

18 5. Attached as Exhibit A is a true and correct copy of a document stamped APPLE_0002908
19 through APPLE_0002912, which is Apple's Privacy Policy updated June 21, 2010.

20 6. Attached as Exhibit B is a true and correct copy of a document stamped
21 APPLE_1034294 through APPLE_1034297, which is Apple's Privacy Policy updated May 21, 2012.

22 7. Attached as Exhibit C is a true and correct copy of a document stamped
23 APPLE_0000076 through APPLE_0000080, which is Apple's iPhone Software License Agreement
24 updated July 19, 2010.

1 8. Attached as Exhibit D is a true and correct copy of a document stamped
2 APPLE_0000051 through APPLE_0000060, which is Apple's iOS Software License Agreement
3 updated August 15, 2011.

4 9. Attached as Exhibit E is a true and correct copy of a document stamped
5 APPLE_0000081 through APPLE_0000090, which is Apple's iOS Software License Agreement
6 updated December 9, 2011.

7 10. Attached as Exhibit F is a true and correct copy of a Responsive Comment of Apple
8 Inc., *In the matter of Exemption to Prohibition on Circumvention of Copyright Protection Systems for*
9 *Access Control Technologies*, Dkt. No. RM-2008-8 (U.S. Copyright Office), dated Dec. 1, 2008.

10 11. Attached as Exhibit G is a true and correct copy of excerpts of the deposition of Dr.
11 Manuel Egele, dated January 9, 2013.

12 12. Attached as Exhibit H is a true and correct copy of excerpts of the deposition of Jeffrey
13 Bolas, dated January 16, 2013.

14 13. Attached as Exhibit I is a true and accurate copy of the testimony of Dr. "Guy" Tribble,
15 to the United States Congress dated May 11, 2011 and stamped APPLE_0002922 through
16 APPLE_0002934.

17 14. Attached as Exhibit J is a true and accurate copy of a New York Times article, stamped
18 IAL 899 through IAL 901, dated April 25, 2011 and entitled "Apple and Google Use Phone Data to
19 Map the World."

20 15. Attached as Exhibit K is a true and accurate copy of a letter from Bruce Sewell, to the
21 Honorable Markey and Honorable Barton, stamped APPLE_1027033 through APPLE_1027046, dated
22 July 12, 2010.

16. Attached as Exhibit L is a true and accurate copy of Kamala D. Harris, California Attorney General, *Privacy on the Go – Recommendations for the Mobile Ecosystem*, dated January 2013.

17. Attached as Exhibit M is a true and correct copy of the Declaration of Anthony Chiu, dated August 16, 2013.

18. Attached as Exhibit N is a true and correct copy of excerpts from the deposition of Alejandro Capiro, dated October 29, 2012.

19. Attached as Exhibit O is a true and correct copy of excerpts from the deposition of Isabella Capiro, dated October 30, 2012.

20. Attached as Exhibit P is a true and correct copy of the Declaration of Alejandro Capiro, dated August 16, 2013.

21. Attached as Exhibit Q is a true and correct copy of the Declaration of Isabella Capiro, dated August 16, 2013.

22. Attached as Exhibit R is a true and correct copy of excerpts from the deposition of Dr. Lodovico Marziale, dated February 5, 2013.

23. Attached as Exhibit S is a true and correct copy of a letter from Bruce Sewell, General Counsel and Senior Vice President of Legal and Government Affairs, stamped APPLE_1026895 through Apple_1026916, to the California Department of Justice dated May 4, 2011.

24. Attached as Exhibit T is a true and correct copy of documents stamped Apple_1006783 through Apple_1006785, which is a document by J. Hornthal dated 2011.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Dated: September 26, 2013

/s/ Scott A. Kamber
SCOTT A. KAMBER